

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 8/20/2007	Department ID Number: CA 07-018

## CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** MAYOR AND COUNCILMEMBERS  
**SUBMITTED BY:** JENNIFER McGRATH, City Attorney  
**PREPARED BY:** JENNIFER McGRATH, City Attorney  
**SUBJECT:** Review and Accept City Attorney's Quarterly Report

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)
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**Statement of Issue:** Receive and accept the City Attorney's Quarterly Report for April 1, 2007 through June 30, 2007.

**Funding Source:** Not Applicable

**Recommended Action:** Motion to: Review and accept the City Attorney's Second Quarterly Report for April 1, 2007 through June 30, 2007.

**Alternative Action(s):** Deny or critique quarterly report.

**Analysis:** Not Applicable.

**Strategic Plan Goal:** City Services (C-2) Provide quality services with the highest professional standards to meet community expectations and needs, assuring that the city is sufficiently staffed and equipped overall.

**Environmental Status:** Not Applicable

**Attachment(s):** List attachment(s) below.

City Clerk's Page Number	No.	Description
2	1.	City Attorney's Quarterly Report for April 1, 2007 through June 30, 2007

E-2

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**ATTACHMENT NO. 1**

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## **City Attorney's Quarterly Report**

This report reflects the activities of the City Attorney's Office for April 1, 2007 through June 30, 2007.

### **Administration Division**

The administration and support functions are performed under the supervision of the City Attorney. This includes personnel, clerical, financial, technology, training and development, and records management support. This function also includes attendance at regular council meetings as parliamentarian and advisor, and active participation in the executive management team to promote the strategic goals of the City Council.

Significant accomplishments for the Administration section include:

1. Implementation of a comprehensive training program on bankruptcy, the Brown Act, Contracts Administration, Public Records Act, Violence in the Workplace, small claims, and sexual harassment.
2. Established office hours to assist staff in daily operations.

### **Advisory Division**

The Advisory Division, comprised of three deputy city attorneys, is supervised by an Assistant City Attorney and provides legal assistance on all matters pertaining to the daily operation of the City to the City Council and City officers. It prepares all legal documents and opinions to ensure the City can accomplish its goals and objectives with little, if any, risk of litigation.

The Advisory Division received 178 requests for legal assistance and completed 188 requests. There are 181 outstanding requests for legal assistance.

Additionally, staff provided assistance with labor negotiations; reviewed and prepared 111 documents and contracts; drafted 34 ordinances and resolutions; made 72 appearances on criminal matters; and provided on-going advice related to the wireless facilities moratorium, affordable housing, Pacific City, Bella Terra, and the Senior Center.

<b>COMPLETED REQUEST FOR LEGAL SERVICES AS OF APRIL - JUNE 2007</b>							
	Advice Memo & Opinion	Documents & Contracts	Public Records & Citizen Inquiry Requests	Criminal Pitchess & Hearings	Resolution & Ordinance	Projects	Total
Administration	1	0	0	0	2	2	5
Building & Safety	0	3	0	0	0	0	3
City Attorney	3	5	4	1	3	1	17
City Clerk	0	0	1	1	0	0	2
City Treasurer	0	3	0	0	0	0	3
Community Services	4	4	0	0	0	0	8
Econ. Development	4	20	1	0	3	0	28
Finance	3	11	0	0	3	0	17
Fire	2	4	0	1	1	0	8
Info. Services	0	5	0	0	0	0	5
Human Resources	6	7	0	1	3	1	18
Library	1	0	0	0	0	0	1
Planning	2	8	2	2	2	0	16
Police	1	8	1	17	3	0	30
Public Works	5	14	0	0	5	0	24
Risk Management	2	1	0	0	0	0	3
<b>Total</b>	<b>34</b>	<b>93</b>	<b>9</b>	<b>23</b>	<b>25</b>	<b>4</b>	<b>188</b>

Significant projects for the Advisory Division include:

1. Presented the first revisions to the Huntington Beach Municipal Code Chapters 1 and 2, including additional revisions to campaign contribution regulation pursuant to City Council direction.
2. Prepared the agreement with Evolution Film to produce a television show about Huntington Beach lifeguards.
3. Actively participated on the City's labor negotiation team to successfully negotiate a Memorandum of Understanding with the Management Employees Association and Surf City Lifeguard Employee Association.
4. Participated with Fire Department to establish a procedure for enforcing the fire sprinkler requirements for assemblies.
5. Prepared a Sales Tax Sharing Agreement to induce seller of petroleum products to relocate to Huntington Beach.
6. Prepared ordinance and resolutions to comply with State law requirement relating to the use eminent domain within Redevelopment Project Areas.
7. Negotiated with the County Tax Assessor and successfully reduced security requirement imposed on Bella Terra by County Tax Assessor.
8. Assisted staff in developing the notice and protest procedure for compliance with Proposition 218 regarding water and sewer rates.

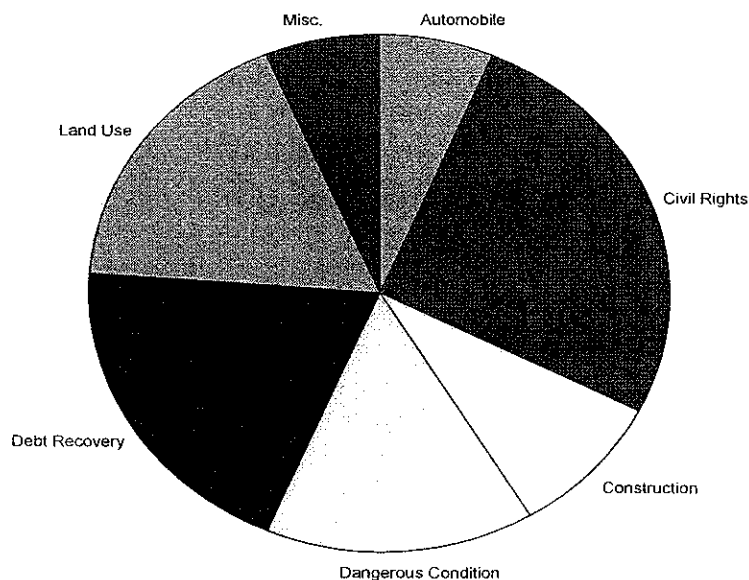
9. Successfully negotiated Verizon Wireless sublease/co-location on existing facility.
10. Prepared the regulatory agreement providing for the rehabilitation of affordable housing units using HOME funds.
11. Completed real property acquisition agreements for Heil Avenue Widening and Heil Avenue Pump Station Projects.
12. Completed legal review of initial program documents for East Garden Grove / Wintersburg Channel Urban Runoff Diversion Project.

## Litigation Division

The Litigation Division, comprised of three deputy attorneys, is supervised by an Assistant City Attorney and handles all civil matters on behalf of the City and its employees and officials. All cases are handled by the in-house staff unless there is a conflict in representation or the outside counsel is paid by a third party.

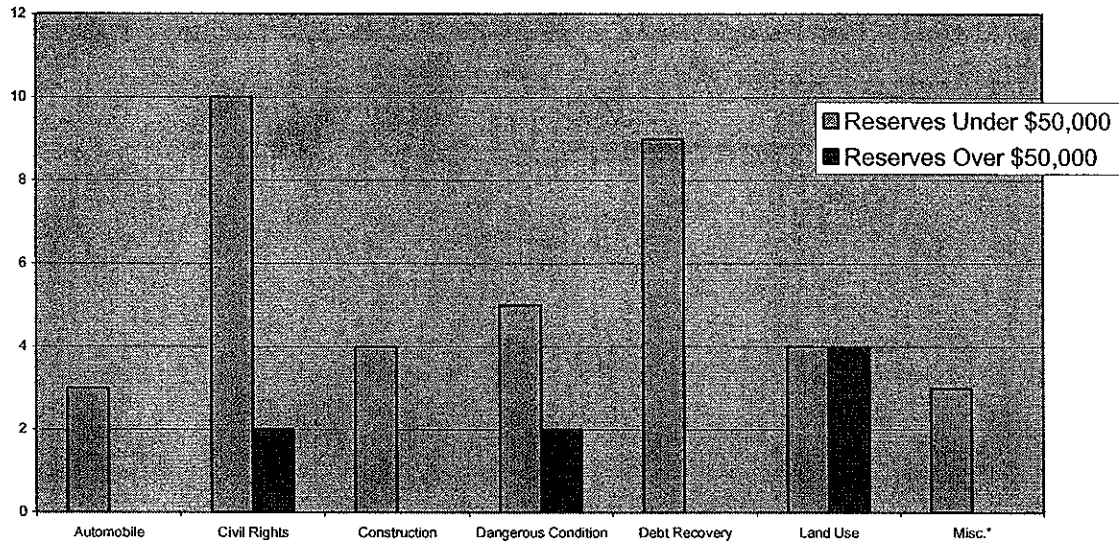
The Litigation Division is currently handling 46 active cases. The City resolved a significant CEQA matter and was served with four civil rights cases. The charts below identify the types of cases and the potential liability exposure of these cases. The attached report provides a more detailed description and status of each case.

Existing Litigation Cases



\*Misc. includes: Breach of Contract, Construction, Employment, Government and Nuisance cases.

## POTENTIAL LIABILITY OF PENDING CASES



The Litigation Division resolved the following cases with no monies paid to the plaintiff:

1. Lawsuit for violating constitutional rights to remove overgrown vegetation on plaintiff's property.
2. Action for injuries based on negligent sewer work by City contractor causing sewer problems at plaintiff's property.
3. Complaint alleges that City interfered with developer's right to provide water and sewer services to the development.

Significant cases resolved second quarter include:

1. A CEQA suit to challenge the development of a wholesale nursery located underneath the Edison power lines, west of the Santa Ana River and between Atlanta Avenue and Le Bard Park. Court of Appeal affirmed judgment in favor of City.
2. CEQA writ action over proposed seawater desalination facility. City is recovering its legal fees.

The Litigation Division also resolved the following matters:

1. Plaintiff became entangled with a telephone or cable wire while riding her bicycle. Case settled.
2. Action for injuries allegedly caused by condition of sidewalk and sustained injuries.